

CERTIFIED ACCESS SPECIALIST PROGRAM
OPEN PUBLIC WORKSHOP
Division of the State Architect

Minutes of Open Public Workshop
March 31, 2006

Hilton San Diego/Del Mar Hotel
15575 Jimmy Durante Boulevard
Del Mar, California

Workshop Facilitator

Ingrid Hart

DSA Staff

Rod Higgins
Michael Mankin
Andreas Michael
Mark Smith

Public Participants

Betty Bacon
Denise Brenaman, interior designer
Kathy Davis, certified interior designer
Jane Dickson, American Society of Interior Designers, UCLA Student Chapter
Ruthie Goldcorn, disabled access consultant and advocate, Moreno Valley
Judy Hallberg, Coalition for Interior Design Accountability
Thomas Huggins, DSA Class I inspector
Michael Jablonski
Chris Jordan, certified interior designer
Phil Kaplan, ADA Coordinator, City of Palm Springs
Mary Jo Kittock, systems change advocate for independent living center
Fred Macari, lighting designer and interior designer
Dave Pillman, Pillman Architects
Jerry Putney, certified interior designer
Edward Queskin, CAN Constructors
Lynneta Pinazzi
Alyssa Schuman
Rayne Sherman, California Legislative Coalition for Interior Design
Doug Stead, California Council for Interior Design Certification
Dennis Sharp
James Snyder, interior designer
Kimberly Wilder
Tanya *
George *

1 **Welcome and Introductions**

1 Ms. Ingrid Hart welcomed everyone to the public workshop. She noted this workshop is
2 the third in a series of four public workshops to solicit public feedback on the CASp
3 program.

4
5 Ms. Hart said the objectives of this public workshop include taking comments to improve
6 CASp program regulations, engaging CASp staff in discussions, and providing
7 opportunities for questions, answers, and general discussion of issues. She clarified
8 that her role was to ensure a smooth process.

9
10 Ms. Hart noted the themes for discussion at this public workshop are certification
11 classifications and qualifications for certified access specialists; expected knowledge
12 and professional roles of certified access specialists; program oversight, public
13 confidence and handling of complaints; and other questions. She recommended taking
14 each topic separately, and noted the speaker cards are color-coded. She said people
15 wishing to speak on the first issue should use blue forms, and green forms are for
16 knowledge and professional roles. She explained that speakers will tear the form in
17 half, retaining one portion and submitting the other to DSA staff.

18
19 Ms. Hart encouraged people to add their names to the sign-in sheet if they want to be
20 added to the CASp mailing list.

21
22 Ms. Hart asked each speaker to identify himself or herself and to limit remarks to three
23 minutes so everyone has a chance to speak. She noted the staff can provide brief
24 responses to questions and issues as they arise, and there will be opportunity at the
25 end of the meeting to meet individually with staff to obtain more detailed explanations.

26

1 Mr. Rod Higgins, director of DSA's CASp program, thanked everyone for coming and
2 said the staff looks forward to gathering information and conducting open public
3 discussions. He gave a brief description of his background in architecture and personal
4 experience as a caretaker for an elderly parent. He pledged to do everything within his
5 power to eliminate current abuses and problems in the field of access.

6

7 Mr. Higgins said DSA is doing quite a bit to improve accessibility. Aside from the CASp
8 program, DSA is developing the DSA Academy to providing training and education to
9 staff, design professionals, and members of the public. Mr. Higgins noted the DSA
10 Academy will offer classes in cross-disciplinary areas such as structural; fire life safety;
11 mechanical, electrical, and plumbing; field inspection; and access compliance.

12

13 Mr. Higgins stated that the CASp certification process is a separate and parallel
14 program. He expressed his appreciation to Mr. Michael Mankin for his hard work and
15 dedication on the CASp program. Mr. Higgins noted the certification process needs to
16 follow a recognized series of steps in order to become accredited in the future. He
17 welcomed assistance and input from the public to ensure that the CASp program works
18 as intended.

19

20 Mr. Higgins said the CASp program is based on a detailed job analysis and test
21 development process. He noted this process may raise issues that need to be
22 addressed by modifying the regulations, and modifications to the regulations in turn can
23 affect the test. He added that the end goal is to produce the best program possible.

24

25 Mr. Higgins invited everyone interested in ongoing updates and information to sign up
26 for the CASp program's mailing list.

1

2 Mr. Higgins said one more public workshop is scheduled for Tuesday, April 4, in
3 Sacramento. After that session, the staff will revise and finalize the package to be
4 submitted to the Office of Administrative Law.

5

6 Mr. Higgins introduced CASp staff members Mr. Andreas Michael, Mr. Mark Smith, and
7 Mr. Michael Mankin.

8

9 Mr. Mankin expressed DSA's commitment to moving the CASp program forward. He
10 noted this program is the result of access compliance legislation passed about three
11 years ago. In response, DSA decided to develop a certification program, including
12 training and resources, curriculum and educational materials, protocols and standard
13 procedures, and checklists and other tools. Mr. Mankin encouraged members of the
14 public to provide feedback on the proposed program.

15

16 Mr. Mark Smith reviewed the process used to develop the proposed CASp program and
17 certification exam questions. He said the Implementation Advisory Committee was
18 charged with defining certification criteria. The committee identified six broad
19 classifications of access specialties and decided to focus on two, at least at the start of
20 the program: Certified Access Investigators and Certified Access Architects. Mr. Smith
21 described these two certification categories. He added that DSA hopes to expand the
22 program to include plan reviewers and ADA coordinators.

23

24 Mr. Smith noted there may be some overlap in the first two topics, and he encouraged
25 people to speak freely.

26

1 **Public Comments**

2 Ms. Hart began calling speakers in groups of three.

3

4 **Certification Classifications and Qualifications**

5 Ms. Judy Hallberg, Coalition for Interior Design Accountability (CIDA), read a letter
6 requesting that interior designers be included in the CASp program and explaining the
7 rationale for this request. She expressed CIDA's interest in working with the staff to
8 develop appropriate certification criteria for interior designers. Ms. Hallberg provided a
9 packet of documents for DSA's review.

10

11 Ms. Denise Brenaman, interior designer, said she was speaking for commercial interior
12 design firms engaged in tenant improvements and office remodel projects in California.
13 She noted most commercial designers have training as planners and are well versed in
14 Title 24 and ADA accessibility requirements. She stated that the goal of interior design
15 is to create interior spaces that will meet the needs of all people. Ms. Brenaman
16 recommended inclusion of commercial interior designers in the certification program.

17

18 Mr. James Snyder, interior designer, expressed support for the comments made by his
19 associate, Ms. Brenaman. He urged DSA not to limit the CASp program to architects,
20 but to keep it open to other people with knowledge of ADA and accessibility.

21

22 Mr. Snyder said his clients are concerned that using a certified access specialist will
23 increase project costs.

24

25 Mr. Mankin responded that the CASp program is not intended to prevent anyone
26 already working in the field of accessibility, but to recognize competency. He said the

1 certification should be viewed as a professional enhancement rather than an obstacle.
2 He recognized the important role played by interior design firms who are hired to
3 remodel commercial spaces, and noted there are also landscape architects and others
4 with accessibility expertise. He thanked Mr. Snyder for his comments.

5

6 Mr. Smith noted Texas has a registered accessibility specialist program that the staff
7 considered when developing the CASp program for California. He said the Texas
8 program is distinctly different and was created in conjunction with sweeping changes in
9 that state's construction permit process. Mr. Smith emphasized the nothing in the CASp
10 program will change the review and approval process in California.

11

12 Mr. Smith welcomed input from interior designers and other specialists in developing the
13 certification exams.

14

15 Mr. Fred Macari, lighting designer and interior designer, objected that the proposed
16 program is discriminatory and unfair because it is limited to certain accessibility
17 professionals. He said the new program will force him to hire a certified specialist to do
18 the job he currently performs himself. He questioned the need for this new category of
19 certification.

20

21 Mr. Dennis Sharp asked if certified access specialists need to know the location of
22 water and gas lines. He said this issue comes up frequently as an excuse for not
23 providing accessibility. Mr. Sharp commented that there are a number of new public
24 buildings in San Diego that are not accessible because of unsuitable surfaces and
25 textures for paths of travel, and he expressed concern about lack of enforcement of
26 access regulations. He noted design professionals should be held more accountable

1 for these problems. Mr. Sharp added that the CASp program can help by establishing
2 standards of practice to assist people in the field.

3

4 Ms. Ruthie Goldcorn, disabled access consultant and advocate from Moreno Valley,
5 said the training offered by DSA and the Department of Rehabilitation serve as the
6 foundation and basis for much of what private-sector consultants know. She
7 recommended that DSA develop a curriculum for architects, design planners, interior
8 designers, and urban planners at UC, CSU, and private universities and colleges in
9 California. She urged DSA to focus on getting architects and designers to incorporate
10 accessibility in their work.

11

12 Mr. Mankin acknowledged the need for more classes and training programs for access
13 specialists. He said DSA envisions using the DSA Academy and working collaboratively
14 with others to share resources.

15

16 Mr. Higgins commented that the staff has been talking about expanding training
17 opportunities for some time, and he thanked Ms. Goldcorn for her comments.

18

19 Mr. Rayne Sherman, California Legislative Coalition for Interior Design, spoke in favor
20 of including certified interior designers in the CASp program. He said the interior design
21 certification exam covers California accessibility issues, so certified interior designers
22 already have experience and expertise in this field. He recommended eliminating the
23 Certified Access Architect classification and expanding the program to include other
24 kinds of specialists.

25

1 Ms. Kathy Davis, certified interior designer, agreed with the remarks made by her
2 colleagues. She expressed support for including interior designers. She noted there
3 are inconsistencies between different DSA offices and staff people that specialists can
4 help resolve.

5

6 Mr. Mankin asked how many people in the audience were interior designers, and a
7 number raised their hands. He commented that the certification training process for
8 interior designers appears to be far superior to that of the Architects Board or the AIA's
9 continuing education program, and he commended the interior designers who worked to
10 establish these programs. He welcomed input and collaboration from interior designers
11 as part of DSA's development of the CASp program.

12

13 **Expected Knowledge and Professional Roles of Certified Access Specialists**

14 Ms. Betty Bacon asked if DSA can require CASp certification for building officials. She
15 noted the criteria refer to Title 24 and ADA requirements, but building officials and
16 inspectors in San Diego do not inform people about the need to comply with these
17 standards.

18

19 Mr. Higgins explained that the CASp program is voluntary. He said DSA hires
20 consultants to do access plan reviews, and those plan reviewers will be required to
21 become certified within a certain period of time. He noted DSA has no authority to
22 require local building departments to have certified staff people.

23

24 Ms. Bacon advocated requiring plan checkers and building inspectors to become
25 certified. She recommended holding plan-checkers responsible for approving
26 incomplete or noncompliant plans.

1

2 Mr. Mankin said the Civil Code currently says violations of ADA are also violations of
3 state law. He noted building officials claim their responsibility is limited to enforcing the
4 California Building Code. He stated that DSA has an obligation to enforce and promote
5 ADA standards in school projects and other state buildings. Mr. Mankin offered to meet
6 with Ms. Bacon after the meeting to discuss accessibility enforcement in more detail.

7

8 Ms. Kimberly Wilder commented that like some previous speakers, she was also
9 frustrated to see new construction projects that are inaccessible. She questioned the
10 basis for the experience requirement of “a letter of recognition for accomplishment in a
11 specialized area by a statewide organization representing people with disabilities.” Mr.
12 Mankin said the purpose of this is to give experience credit to people with a recognized
13 breadth of experience and knowledge. Ms. Wilder recommended not limiting that item
14 to statewide organizations. She noted letters of recommendation from clients might
15 serve the same function. Mr. Mankin expressed his willingness to work with Ms. Wilder
16 and others to draft broader language.

17

18 Ms. Wilder urged DSA to publish Title 24 in various formats. A DSA staff person
19 indicated the code is available on DSA’s Website.

20

21 **Certification Classifications and Qualifications (Continued)**

22 Ms. Hart proposed finishing all speakers in the first category before moving on to the
23 next.

24

25 Ms. Chris Jordan, certified interior designer, expressed concern that limiting the
26 certification program to architects will impact the ability of experienced interior designers

1 to work in this field. She recommended including interior designers in the certification
2 program.

3

4 Ms. Mary Jo Kittock, systems change advocate for an independent living center,
5 observed that there are many people who are already working as access specialists,
6 but buildings are still being constructed today that do not comply with access codes.
7 She said the laws and regulations are there, but enforcement is a problem. Ms. Kittock
8 applauded DSA for establishing a certification program to professionalize the field and
9 improve the quality of the services offered to the public.

10

11 Mr. Smith said that in identifying core knowledge and developing exam questions to test
12 those items, there was considerable disagreement among experts as to what the best
13 answers were to some of the questions.

14

15 Mr. David Pillman, Pillman Architects, said the Certified Access Specialist program
16 should distinguish certified professionals from others who may be practicing in the field.
17 He recommended using the designation of Certified Access Specialist along with a
18 licensure title such as “architect” or “landscape architect.” He asked DSA to become
19 the enforcing agency for Section 304, pertaining to “readily achievable” removal of
20 barriers.

21

22 Mr. Phil Kaplan, ADA coordinator for the City of Palm Springs, talked about his
23 experience as a wheelchair user and accessibility advocate. He observed that the ADA
24 has resulted in tremendous changes for the nation, and establishment of the CASp
25 program can create better opportunities for improving access in California. He noted

1 that the Certified Access Investigator position can help local building departments
2 enforce access requirements.

3

4 With respect to the qualifications for architect specialists, Mr. Kaplan noted working with
5 an experienced architect does not ensure exposure to access requirements, because
6 some older professionals have not kept up with developments in this field. He
7 commended DSA for undertaking the development of a training and certification
8 program to address this issue.

9

10 Mr. Smith said the two Certified Access Specialist positions can be viewed in terms of
11 those who identify problems, or Certified Access Investigators, and those who solve
12 them, Certified Access Architects. He noted an understanding of universal design
13 principles and applicable codes is fundamental to both classifications. He reviewed
14 components of the bodies of knowledge expected of investigators and architects. Mr.
15 Smith discussed the process DSA followed to analyze job functions and identify the
16 knowledge required to perform those functions. He said DSA used this information to
17 develop two classifications based on the underlying licensing differences and the
18 differences in skill sets needed to perform the expected roles. Mr. Smith noted
19 professional organizations have played an important historical role in establishing
20 ethical standards and codes of conduct for their members, and DSA hopes the CASp
21 program will evolve into a similar self-regulating network at some point in the future.

22

23 Ms. Jane Dickson, American Society of Interior Designers, UCLA Student Chapter,
24 talked about the academic requirements and professional qualifications of certified
25 interior designers. She noted the three-year program of 30 courses is equivalent to a
26 master's degree, and students take classes in building codes, regulatory requirements,

1 egress, accessibility, universal access, compliance, California building codes, Title 24,
2 and ADA. Certified professionals also take courses in space planning, architectural
3 drafting, construction documents and permits, and design. Ms. Dickson urged DSA to
4 expand the certification program and training opportunities.

5

6 Mr. Smith said DSA expects that training and educational resources will improve as the
7 CAsp program gains acceptance. He noted UC Berkeley offers professional design
8 classes, but not in technical and practical areas. He acknowledged the lack of
9 continuing education programs for architects in accessibility and other topics.

10

11 Mr. Rayne Sherman said his own interior design firm deals with construction documents
12 and accessibility issues on a daily basis. He questioned the need to add a certified
13 architect to the layer of reviews and approvals, noting this will raise the cost of services
14 to clients. He recommended allowing other qualified individuals to provide these
15 services by broadening the classification to "Design Access Specialist."

16

17 Mr. Smith commented that the challenge will be defining what elements of design are
18 common to all these professional practices. He said all specialists need to understand
19 their legal obligations, provide good service, and design for equivalent facilitation,
20 regardless of licensing titles.

21

22 Ms. Denise Brenaman noted many of the previous speakers already made the point that
23 interior designers have a great deal to do with accessibility. She said she was surprised
24 to hear about the lack of educational resources because there are many university
25 programs in interior design that include accessibility components. Ms. Brenaman
26 commented that California's Title 24 is the best building code resource for accessibility

1 in the nation, and there are numerous books and manuals on barrier-free design and
2 interpreting accessibility regulations.

3

4 Mr. Smith noted that Mr. Mankin is a very valuable resource for DSA because has been
5 working in the field of accessibility for many years and knows a great deal about the
6 history and application of accessibility regulations.

7

8 Mr. Edward Queskin, CAN Constructors, gave a summary of his background in
9 commercial construction and planning issues. He expressed concern that creating a
10 new investigative role could cause turf wars. He recommended proceeding very
11 carefully with the certification program.

12

13 Mr. Queskin expressed his opinion that enforcement should occur at the appropriate
14 level of responsibility, the design professional, at the time of plan check. He noted
15 design professionals carry errors and omissions insurance to help protect themselves
16 from liability resulting from their decisions. He said the work done by interior designers
17 has more impact on accessibility than work done by any other profession, and he
18 expressed support for including them in the CASp certification program.

19

20 Mr. George *, certified interior designer, said he specializes in designing dental offices,
21 and his clients rely upon him to comply with all applicable codes, including access. He
22 urged DSA to take this into consideration and allow certified interior designers to
23 participate in the CASp program.

24

25 Ms. Betty Bacon asked for confirmation that access practitioners will have the ability to
26 decide whether they want to take the certification exam. Mr. Smith responded that the

1 CAsp program makes no changes in normal building permit processes or project
2 requirements; it simply identifies people who are certified at a certain level of
3 competence to provide advice regarding access issues.

4

5 Mr. Higgins clarified that exclusion is not DSA's goal. He noted the program should be
6 as inclusive as possible.

7

8 Mr. David Pillman acknowledged the valuable testimony from interior designers, and he
9 advocated that DSA include everybody in the CAsp program. He noted that if building
10 officials receive enough phone calls and complaints, they will enforce access
11 requirements rather than wait for litigation. He said the program will help disabled
12 people, building owners, and everyone in the state.

13

14 Mr. Smith pointed out the distinction between new construction and existing buildings.
15 He noted most new projects comply with accessibility, but timely removal of barriers is a
16 big problem with existing buildings.

17

18 Ms. Ruthie Goldcorn emphasized that complaining does not always work, and
19 accessibility is not being enforced. She said accessibility features should be done
20 correctly as part of the overall design so work does not have to be corrected later to
21 accommodate what was left out. She noted this is not a new problem: the 1961 ANSI
22 standards described 8.33-percent ramps and accessible bathroom facilities; Title 24
23 regulations were developed in 1974 and implemented in 1984; and the Architectural
24 Barriers Removal Act was passed in 1968.

25

1 Ms. Goldcorn said recent court decisions have clarified that regulatory lapses do not
2 eliminate statutory requirements to avoid discrimination in public facilities. She noted
3 simple compliance with the code does not ensure compliance with accessibility
4 standards for on-street parking and sidewalks. Mr. Smith agreed, and added that
5 building owners still need to be informed of the risks and advised as to what they need
6 to do to comply.

7

8 Mr. Smith said the Implementation Advisory Committee identified three main objectives
9 for the CASp program: increasing clarity in the work of disability rights access,
10 improving consistency, and increasing collaboration with stakeholder groups. He noted
11 access specialists will be raising the kinds of issues mentioned by Ms. Goldcorn so they
12 can be addressed. Mr. Smith commented that certified access specialists will play a
13 critical role in developing standards of practice for the profession.

14

15 **Program Oversight, Public Confidence and Handling of Complaints**

16 Mr. Smith explained the difference between licensing and certification, noting licensing
17 is usually a government activity intended to protect the public from bad practitioners,
18 while certification is typically done by nongovernmental organizations to attest to an
19 individual's level of competence for certain tasks. He said the levels of quality control,
20 complaint investigations, and discipline depend on how much enforcement is desired,
21 and he welcomed comments on these issues.

22

23 Mr. Smith said the CASp program will not investigate complaints about buildings, but
24 only complaints about unethical or improper conduct. He advised that DSA plans to
25 provide an administrative hearing process to resolve issues regarding the appropriate
26 standard of care for certified access specialists. He noted DSA's legal advisors are

1 looking at DSA's authority to impose discipline. Mr. Smith added that access specialists
2 can purchase errors and omissions insurance like other kinds of professionals.

3

4 Mr. Rayne Sherman asked who will oversee the CASp program. Mr. Smith said the
5 authorizing legislation assigns that responsibility to DSA. He noted the regulations call
6 for an oversight panel to advise the State Architect for the first several years of the
7 program.

8

9 Mr. Sherman asked if there will be any restrictions or limits on fees. Mr. Smith
10 responded that DSA has not dealt with fees charged for professional services. Mr.
11 Higgins said DSA will be looking at this issue once the program is up and running.

12

13 Mr. Smith said the CASp program is a certification-only program. He explained that
14 DSA will investigate complaints, but there is no funding for quality control at this point.
15 He added that if DSA becomes aware of abuses, they will be addressed.

16

17 Ms. Jerry Putney, certified interior designer, thanked DSA for listening to the concerns
18 of interior designers and recommended that certified interior designers be allowed to
19 participate in the certification program. She said certified interior designers have a
20 wealth of knowledge and resources that could be very useful to DSA.

21

22 Mr. Smith commented that he was very impressed with the level of professionalism
23 described by the interior designers who spoke at this meeting. He encouraged
24 interested parties to continue to provide feedback and input to DSA.

25

1 Ms. Mary Jo Kittock asked if people other than licensed architects could take and pass
2 the Certified Access Architect exam. Mr. Smith said only licensed architects can use
3 the term “architect.” He noted it might be better to broaden the title to “Certified Access
4 Designer.”

5

6 Ms. Kittock questioned why there are so many noncompliant buildings if certified interior
7 designers are doing their jobs. Mr. Smith pointed out that there are many factors
8 involved, including lack of oversight capabilities and poor designs from architects.

9

10 Ms. Hart and DSA representatives encouraged interested people to submit written
11 comments by email.

12

13 **Other Questions and Issues**

14 Mr. Thomas Huggins, DSA Class I inspector, said he conducts access inspections as
15 part of his day-to-day activities. He asked how the CASp certification program will affect
16 the duties of access inspectors. Mr. Smith said DSA will not require inspectors to
17 become certified.

18

19 Mr. Huggins recommended requiring access inspectors to sign a form under penalty of
20 perjury confirming they actually did the work. He noted DSA already has a procedure
21 for special inspectors. Mr. Smith stated that those details still need to be worked out.

22

23 Mr. Huggins asked if a licensed surveyor can be used to certify the boundaries and
24 other measurements on the plans. Mr. Smith offered to meet with Mr. Huggins
25 individually after the meeting.

26

1 Ms. Tanya * asked about DSA's plans to control fees charged by consulting firms. She
2 clarified that DSA would leave this area alone unless abuses were reported. Mr. Smith
3 said the kinds of services and fee structures would need to be better defined before
4 DSA would regulate this area. He added that there will probably need to be some kind
5 of follow-up legislation on this point.

6

7 Ms. Tanya * said she looked forward to greater cooperation between architects,
8 contractors, and access experts. She suggested that DSA compile a list of educational
9 resources. Mr. Smith noted DSA is in the process of developing classes and
10 educational resources. He said all relevant codes, standards, and interpretive
11 documents can be downloaded from DSA's Website.

12

13 Ms. Tanya * also recommended that DSA establish a help line for people to call for
14 advice. Mr. Higgins noted the help line number is indicated on the Website.

15

16 Ms. Tanya * commented that business clients want assurances that they will not get
17 sued if they use certified access specialists to advise them. Mr. Smith noted courts look
18 more favorably on owners who make efforts to identify and mitigate problems, and
19 ignoring the requirements leads to major trouble.

20

21 Ms. Alyssa Schuman said many small business owners postpone upgrades even when
22 they know about existing problems. She emphasized the importance of having good
23 access laws and enforcing compliance. She recommended requiring every person who
24 applies for a business license to consult a certified access specialist to make sure the
25 place of business complies with access requirements.

26

1 Mr. Smith said building permits typically trigger access compliance requirements, a
2 process that is often difficult and burdensome for owners of small businesses that have
3 never been remodeled.

4

5 Ms. Schuman noted businesses that lease space also need to understand the need to
6 comply with access laws.

7

8 Mr. Michael Jablonski talked about accessibility problems with on-street parking. He
9 said street grades, parking angles, excessive curb heights, and lack of curb cuts can
10 make parking spaces inaccessible for disabled drivers.

11

12 Ms. Betty Bacon agreed with Ms. Schuman that notices should be sent to people who
13 apply for business licenses advising them of accessibility requirements and allowing a
14 60- or 90-day period for compliance. Ms. Bacon said many people are not complying
15 with the “readily achievable” requirement of ADA. She urged DSA to define “readily
16 achievable” and make this information available to every small business.

17

18 Ms. Ruthie Goldcorn objected to characterizing access lawsuits as “drive-by” litigation.
19 She said the courts have affirmed on four recent occasions that complaining about
20 access violations does not constitute vexatious or frivolous litigation. She emphasized
21 that lack of enforcement is at the crux of non-compliance. She asked when uniformity
22 of city and county standards will be addressed. Ms. Goldcorn noted that local building
23 officials need to participate in the process if they are going to become part of the
24 solution rather than the problem. She cited examples of new buildings constructed in
25 Moreno Valley with non-compliant restrooms.

26

1 Mr. Smith noted building and planning departments can impose conditions on use
2 permits to enforce compliance. He said some self-insured entities have begun putting
3 pressure on city officials because of their concerns about liability.

4

5 Ms. Lynnetta Pinazzi expressed concern that the CASp program will change the plan
6 review and permit process if local jurisdictions begin requiring certified access
7 professionals as a condition of permits. Mr. Smith commented that the Texas program
8 had that impact. Mr. Higgins clarified that the CASp program will certify people, not a
9 process, so that will not happen in California.

10

11 Ms. Pinazzi asked if DSA planned to set up some kind of review board to provide advice
12 on interpretation issues. Mr. Smith said DSA needs to work out details of how disputes
13 can be resolved. He noted there may be instances in which certified access specialists
14 provide conflicting advice.

15

16 Ms. Pinazzi asked how much it will cost people to become certified. Mr. Higgins
17 responded that DSA will probably charge about \$600 for initial certification and \$300 for
18 recertification.

19

20 Mr. Doug Stead, California Council for Interior Design Certification, clarified that certified
21 interior designers are educated, experienced professionals, not decorators. He said all
22 certified interior designers undergo rigorous examinations. Mr. Stead agreed with DSA
23 staff that the CASp program will probably evolve and improve over time, and the
24 concerns raised by many of the speakers will be addressed as issues arise. He
25 expressed concern about making sure the ongoing process includes all stakeholders so
26 the resulting program meets everyone's needs.

1

2 Mr. Stead recommended that DSA use the single title of “Certified Access Specialist,”
3 as specified in the enabling legislation, rather than establishing different classifications.

4

5 Ms. Jane Dickson asked about the next steps in the process.

6

7 Ms. Kimberly Wilder pointed out that the Department of Rehabilitation is designated by
8 statute as the agency responsible for deciding what constitutes an “undue hardship” for
9 a business. She said the Department of Rehabilitation is also supposed to provide
10 education, but there is insufficient funding to fulfill that duty.

11

12 Mr. Smith noted Mr. Michael Paravagna of the Department of Rehabilitation has been
13 part of the Implementation Advisory Committee.

14

15 **Workshop Wrap-Up**

16 Ms. Hart thanked all participants for their comments.

17

18 Mr. Higgins said DSA wants to finalize the regulatory packet so it can be submitted to
19 the Office of Administrative Law as soon as possible. He confirmed DSA’s commitment
20 to ensuring accessibility in school buildings and other state facilities. He stated that
21 DSA will take all comments and suggestions into consideration, including changing the
22 classifications. Mr. Higgins noted there is pending legislation that could affect the CASp
23 program, and he encouraged everyone to stay involved in the process.

24

25 Mr. Smith added that DSA plans to publish the first list of certified access specialists by
26 October 31, 2006.

1

2 Participants urged DSA to make sure all building officials in California are aware of the
3 need to enforce accessibility requirements.

4

5 **Adjournment**

6 Mr. Higgins thanked everyone who attended the public workshop. There being no
7 further business, the open public workshop was adjourned at 5:00 p.m.